

Before the
Federal Communications Commission
Washington, D.C. 20554

MM Docket No. 87-267

In the Matter of

Review of the Technical Assignment
Criteria for the AM Broadcast
Service

ORDER

Adopted: March 29, 1990; Released: March 29, 1990

By the Commission:

1. The current rules governing assignment of AM broadcast stations have remained essentially the same for two decades. The Commission, recognizing problems confronting AM licensees, has begun a process to improve the AM service.

2. We intend to issue shortly a *Notice of Proposed Rule Making* that will consider many fundamental issues affecting the AM service including the expansion of the AM band from 1605 to 1705 kHz. We believe that an undertaking of such magnitude requires a partial halt to our acceptance of AM broadcast applications. This step is essential so that we may avoid compounding present difficulties with a continuing flow of new assignments based upon existing, possibly inadequate, standards. We believe, however, that we should continue to process those applications currently on file and certain defined categories of new applications for which there are strong public interest considerations. We also find that there should be a brief period prior to the freeze becoming effective in which those with applications almost ready for filing can complete and file their documents. For this reason we conclude that the freeze should become effective at the close of business on April 5, 1990.

3. Accordingly, IT IS ORDERED, that effective at the close of business on April 5, 1990, applications for new AM broadcast stations or for changes in the facilities of existing stations, if otherwise acceptable under Commission rules, will be accepted for filing only in the following categories:

(1) Applications mutually exclusive with renewal of license applications of existing stations.

(2) Applications, timely filed in response to cut-off notices and mutually exclusive with applications tendered for filing on or before April 5, 1990. In order to avoid possible unfairness in implementing the freeze, applications filed after April 5, 1990 and accepted under this provision will be dismissed if the applicant subsequently submits a minor amendment that eliminates the basis for the mutual exclusivity prior to or during the hearing process.

(3) Applications for minor changes necessitated by causes beyond the control of an applicant, e.g. unavoidable loss of a transmitter site or compliance with FAA restrictions.

Applications now pending and those falling into categories (1) - (3), above, will be processed and acted upon under rules in force prior to April 5, 1990. Until further notice, those applications tendered for filing after April 5, 1990, that do not meet the interim criteria will be returned.

4. This action is taken pursuant to authority contained in Sections 1, 4(i), 5(d), 303(c) and (r) and 309(b) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 155(d), 303(c) and (r) and 309(b). Pursuant to 5 U.S.C. § 553(d)(3) we find that a delay in the effectiveness of this freeze could substantially undermine the goals we intend to achieve thereby. Accordingly, we find good cause to make this freeze effective at the close of business on April 5, 1990.

5. For further information concerning this proceeding, contact Larry Olson, Policy and Rules Division, Mass Media Bureau, (202) 632-6955.

FEDERAL COMMUNICATIONS COMMISSION

Donna R. Searcy
Secretary